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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Guy Nathan

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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,674

Applicant(s)

NATHAN, GUY

Examiner

Dominic D. Saltarelli

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 14, 2005 has been entered.

Response to Arguments

2. Applicant's arguments filed November 14, 2005 have been fully considered but they are not persuasive.

First, regarding claim 7, applicant argues that the prior art does not teach or suggest an input area that is displayed when the screen displays the images and/or animations of the artistic event that has been determined by using the detector (applicant's remarks, page 5, third paragraph).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an input area that is displayed when the screen displays the images and/or animations of the artistic event that has been determined by using the detector) are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057

(Fed. Cir. 1993). The claim simply calls for "an input area being displayed on the touch screen that displays the images and/or animations of said artistic event". Because the same touch screen is used both for displaying the images and for entry of ticket information, the disclosed touch screen in the prior art meets said limitation.

Second, also regarding claim 7, applicant argues that Wilder does not teach the use of an input area that is dynamic (applicant's remarks, page 5, third paragraph).

In response, Wilder does in fact teach a dynamic input area, as described, for example, in col. 9, lines 10-56, wherein a user not only selects the specific event to purchase tickets for, the user also select which particular seats the tickets are for using a dynamic input area.

Third, regarding claim 7, applicant argues that neither Wilder nor Schelberg teach or suggest the claimed interaction with the user, involving a series of specific functions (applicant's remarks, page 6, fourth paragraph).

In response, this issue has been addressed in the previous office action, namely, it is the combination of Wilder, Schelberg, and Martin that teach the claimed interaction with the user, as described in the office action mailed on March 10, 2005 regarding claim 7. It is the Martin reference which teaches user interactions which retrieve from the file images associated with a music selection.

Fourth, applicant argues that Martin is not directed to the problem specifically solved in the present invention, supporting this reasoning with a

serried of technical features that the applicant believes are not taught by Martin (applicant's remarks, page 6 last paragraph through page 7).

In response, examiner must note that Martin is analogous art to the present invention, because both are digital jukeboxes for selecting music, and is also analogous art to both Wilder and Schelberg, because it is a digital vending device that users interact with for making desired selections of goods or services.

Last, applicant argues that "one of ordinary skill in the art at the time of the invention would not modify the automated ticket sales and dispensing system as recited in Wilder so as to obtain an efficient interactivity with a user as claimed audiovisual reproduction system." (page 7, second paragraph).

In response, a general allegation such as the one above, with any clear reasoned support is insufficient. In both the instant office action and all previous office actions, a motivation has been provided for each reference relied upon when modifying either the Wilder or Martin reference regarding claim 7 and all subsequent dependent claims. Applicant is respectfully requested to particularly point out what applicant believes to be the combinations for which there is no motivation to combine and provide a reasoned support for each.

3. The Official Notice taken that it is old and well known to utilize multitask operating systems for controlling dynamic digital systems, as such operating systems are optimized for concurrent execution of multiple tasks, thus enabling systems which are capable of multiple tasks to perform them simultaneously, optimizing the performance

and usefulness of the system, was not traversed by the applicant, and is thus taken as an admission of the fact presented.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilder (5,408,417, of record) in view of Schelberg, Jr. et al. (5,812,643, of record) [Schelberg] and Martin et al. (5,355,302, of record) [Martin].

Regarding claim 7, Wilder discloses an audiovisual reproduction system comprising a central unit (control system, col. 4, lines 13-20) controlling display (fig. 1, display 11), a touch screen (col. 4, lines 20-22), memory means (RAM and ROM are part of the system, col. 4, lines 13-20), and a telecommunications modem (col. 4, lines 22-26), through an operating system (col. 5, lines 40-42) comprising a library of tools and services (col. 6, lines 36-39), wherein images describing coming artistic events close to the location in which the audiovisual reproduction system is installed (col. 7, lines 25-35) are displayed at specific regular intervals (promotional program is running in a constant loop when no transactions are being made, col. 7, lines 36-40). Wilder additionally discloses an input area being displayed on the touch screen that displays the images of

said artistic event (col. 7, lines 46-58), said input area being provided to be touched by the user and activating a subroutine which displays an interface screen that can be directly used to input a plurality of information required to book an order ticket for said artistic event (col. 9 line 9 – col. 10 line 15).

Wilder fails to disclose the operating system is a multitask operating system comprising means for storing the memory a file containing the images, said file being downloaded through a host server and a distribution network, and a detector for detecting actions on the touch screen that correspond to a user selection of music performed by the artist participating in the artistic event, said detector being provided for initiating the reading of said file, so that said image is shown on the display after a user selection of music performed by the artist participating in the artistic event.

The Official Notice taken that it is old and well known to utilize multitask operating systems for controlling dynamic digital systems, as such operating systems are optimized for concurrent execution of multiple tasks, thus enabling systems which are capable of multiple tasks to perform them simultaneously, optimizing the performance and usefulness of the system, was not traversed by the applicant, and is thus taken as an admission of the fact presented.

Therefore, it would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Wilder to include a multitask operating system, for the benefit of optimizing the performance and usefulness of the audiovisual reproduction system.

In an analogous art, Schelberg teaches downloading digital information from a server through a distribution network, including advertisement files, (col. 7, lines 11-15) to a reproduction system (a public terminal that provides services and includes a user interface, col. 2, lines 25-46) for display, enabling the advertising information to be updated remotely.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Wilder to include downloading the images into a file in the reproduction system for display from a server through a distribution network, as taught by Schelberg, for the benefit of enabling the advertising information to be updated remotely thus removing the need to manually update said information.

Wilder and Schelberg fail to disclose a detector for detecting actions on the touch screen that correspond to a user selection of music performed by the artist participating in the artistic event, said detector being provided for initiating the reading of said file, so that said image is shown on the display after a user selection of music performed by the artist participating in the artistic event.

In an analogous art, Martin teaches a digital jukebox system (fig. 1), wherein users select songs performed by popular artists (col. 6 line 59 – col. 7 line 17), wherein images are associated with each song which are displayed to users upon selection of music by said artist (col. 7, lines 8-11, wherein the images presented are the album covers associated with the song, col. 4, lines

51-65), allowing users to pay for music from an interactive vending system to immediately enjoy while being presented with further engaging graphical data.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Wilder and Schelberg to include detecting means for detecting actions that correspond to a user selection of music performed by the artist participating in the artistic event (in the event that a user selects a song performed by an artist being advertised), said detecting means being provided for initiating the reading of a file which stores an associated image, so that said image is shown on the display after a user selection of music performed by the artist participating in the artistic event, as taught by Martin, for the benefit of allowing users to pay for music from the interactive vending system to immediately enjoy while being presented with further engaging graphical data, such as the related album cover.

Regarding claim 8, Wilder, Schelberg, and Martin disclose the system of claim 7, wherein the display means show a screen that user of the audiovisual reproduction system can use through the telecommunications means to order entry tickets for the artistic events displayed on the display means (Wilder teaches the user is presented with graphics for buying tickets to artistic events, col. 7, lines 48-58, wherein the information for said transaction is received through the modem and transaction information is uploaded to a central server through said modem, col. 5 line 66 – col. 6 line 2), the payment for these entry

tickets being made through payment means forming part of the audiovisual reproduction system (Wilder, col. 6, lines 36-46).

Regarding claim 9, Wilder, Shelberg, and Martin disclose the system of claim 7, wherein the system comprises printing means for printing entry tickets (Wilder, col. 6, lines 60-66).

6. Claims 7, 10, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Wilder and Schelberg.

Alternatively regarding claim 7, Martin discloses an audiovisual reproduction system (fig. 1, jukebox 13) comprising a central unit (fig. 1, processing circuit 121, col. 5, lines 26-41) controlling display (fig. 1, visual display 125, col. 5, lines 45-46), memory (fig. 1, ROM 121B, RAM 121C, and storage 93), and a telecommunications modem (fig. 1, modem 19), through an operating system (software program contained in ROM, col. 5, lines 26-31) comprising a library of tools and services (the operating system controls all features and functions of the jukebox, including the graphical display, money collection, and song selection, and data collection, fig. 5 and col. 6 line 59 – col. 7 line 17), wherein the operating system of the reproduction system comprises means for storing to the memory a file containing images related to artists (col. 6, lines 30-44), wherein users select music performed by artists (col. 6 line 59 – col. 7 line 17), initiating the reading of said file so that said images are displayed to users

upon selection of music by said artist (col. 7, lines 8-11, wherein the images presented are the album covers associated with the song, col. 4, lines 51-65).

Martin fails to disclose a multitask operating system, a touch screen and detecting means for detecting actions on the touch screen that correspond to a user selection of music performed by the artist participating in the artistic event, and images describing coming artistic events close to the location in which the audiovisual reproduction system is installed are downloaded into a file in the reproduction system, and an input area being displayed on the touch screen that displays said images of said artistic event, said input area being provided to be touched by the user and activating a subroutine which displays an interface screen that can be directly used to input a plurality of information required to book an order ticket for said artistic event.

The Official Notice taken that it is old and well known to utilize multitask operating systems for controlling dynamic digital systems, as such operating systems are optimized for concurrent execution of multiple tasks, thus enabling systems which are capable of multiple tasks to perform them simultaneously, optimizing the performance and usefulness of the system was not traversed by applicant, and is thus taken as an admission of the fact presented.

Therefore, it would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Wilder to include a multitask operating system, for the benefit of optimizing the performance and usefulness of the audiovisual reproduction system.

Martin fails to disclose a touch screen and detecting means for detecting actions on the touch screen that correspond to a user selection of music performed by the artist participating in the artistic event, and images describing coming artistic events close to the location in which the audiovisual reproduction system is installed are downloaded into a file in the reproduction system and an input area being displayed on the touch screen that displays said images of said artistic event, said input area being provided to be touched by the user and activating a subroutine which displays an interface screen that can be directly used to input a plurality of information required to book an order ticket for said artistic event.

In an analogous art, Wilder teaches an audiovisual reproduction system with a touch screen for user selections (col. 4, lines 13-22), providing an intuitive form of user selections from an interface, and also teaches displaying images describing coming artistic events close to the location in which the audiovisual reproduction system is installed (display of a promotional program of local events, col. 7, lines 25-40) and an input area being displayed on the touch screen (col. 7, lines 46-58), said input area being provided to be touched by the user and activating a subroutine which displays an interface screen that can be directly used to input a plurality of information required to book an order ticket for said artistic event (col. 9 line 9 – col. 10 line 15), providing users with useful information regarding local entertainment venues and the opportunity to directly purchase tickets to such.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Martin to include a touch screen, which by nature includes detecting means for detecting actions on the touch screen, which includes detecting when a user selects music that happens to be performed by the same artist who is participating in a coming artistic event, and also displaying images describing the coming artistic events close to the location in which the audiovisual reproduction system is installed and an input area being displayed on the touch screen that displays said images of said artistic event, said input area being provided to be touched by the user and activating a subroutine which displays an interface screen that can be directly used to input a plurality of information required to book an order ticket for said artistic event, as taught by Wilder, for the benefit of an enhanced, interactive user interface and also providing users with useful information regarding local entertainment venues, and the opportunity to directly purchase tickets to such, wherein advertising is an extremely well known and widely utilized form of revenue generation.

Martin and Wilder fail to disclose the images describing the coming artistic events close to the location in which the audiovisual reproduction system is installed are downloaded into a file in the reproduction system.

In an analogous art, Schelberg teaches downloading digital information, including advertisement files, (col. 7, lines 11-15) to a reproduction system (a public terminal that provides services and includes a user interface, col. 2, lines 25-46) for display, enabling the advertising information to be updated remotely.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Martin and Wilder to include downloading the images into a file in the reproduction system for display, as taught by Schelberg, for the benefit of enabling the advertising information to be updated remotely thus removing the need to manually update said information.

Regarding claim 10, Martin, Wilder, and Schelberg disclose the system of claim 7, wherein the display means uses a file in the operating system of the reproduction system to show a screen on the display means inviting the user to answer a series of questions (Martin teaches that when no selection is currently playing, the system is in an 'attract mode', displaying random graphics associated with various selections with the intent of attracting users to make a selection, col. 6 line 59 – col. 7 line 17, wherein a user must answer a series of questions to make said selection, first category, then song title, col. 7, lines 18-26), the answers to the question then being stored in a file in memory to be sent later to the downloading center for processing (Martin further teaches the system tracks, reports, and processes the total number of selections of every song for reimbursement calculation, col. 5 line 60 – col. 6 lines 18).

Regarding claim 11, Martin, Wilder, and Shelberg disclose the system of claim 10, wherein the display of the series of questions is initiated after a given song has been selected (Martin teaches the 'attract mode' is active after a given

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song has been selected and played and the system is awaiting a new selection, col. 6, lines 59-68).

Regarding claim 12, Martin, Wilder and Shelberg disclose the system of claim 7, wherein information related to downloaded images is stored (Martin teaches also storing graphics, col. 5, lines 8-10) in a downloadable file on the memory means of the audiovisual reproduction system (Martin teaches a downloadable file in the memory means, the song library/data storage unit 93 in fig. 1, col. 6, lines 48-54) through a request sent by the host server (central management systems sends management commands to the jukebox, col. 48-54).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Wilder, and Shelberg as applied to claim 7 above, and further in view of Cannon (EP 0 711 076 A2, of record).

Regarding claim 13, Martin, Wilder, and Shelberg disclose the system of claim 7, but fail to disclose the recorded advertisement which is displayed after a determined number of musical selections have been made (Martin teaches displaying the 'attract mode' after a number of musical selections, determined by users, col. 7, lines 18-55, is finished playing, col. 6, lines 59-64, wherein the 'attract mode' has been modified in view of Wilder to play advertisements, which are stored in a file in memory, as Shelberg taught remote transmission and

storage of advertisements) is interactive and consists of a game in which the user can win a musical selection.

In an analogous art, Cannon teaches attracting users to watch advertisements by including in the advertisement an interactive game (col. 4, lines 3-15) wherein the user can win a prize for playing the game (col. 4, lines 16-28), encouraging viewers to watch the advertisement (col. 2, lines 16-23).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Martin, Wilder, and Shelberg to include interactive advertisements which include a game in which the user can win a prize, as taught by Cannon, wherein the most obvious and readily available prize from a jukebox would naturally be a free musical selection, for the benefit of encouraging users to watch the advertisement displayed on the display means.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Wilder, and Shelberg as applied to claim 7 above, and further in view of Goldstein et al. (6,216,227) [Goldstein].

Regarding claim 14, Martin, Wilder, and Shelberg disclose the system of claim 7, but fail to disclose means for issuing entry tickets that include communication means for transmitting entry ticket recording data to a smart card.

In an analogous art, Goldstein teaches a means for issuing entry tickets that include communication means for transmitting entry ticket recording data to

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a smart card (col. 3, lines 48-57), for the benefit of storing multiple tickets for multiple venues on a single electronic device (col. 1 line 58 – col. 2 line 24).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Martin, Wilder, and Shelberg to include means for issuing entry tickets that include communication means for transmitting entry ticket recording data to a smart card, as taught by Goldstein, for the benefit of for the benefit of storing multiple tickets for multiple venues on a single electronic device, which makes keeping track of said tickets easier for users.

Conclusion

9. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
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DS



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